

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MONIQUE HELLER	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:08CV379 (AWT)
	:	
ALEXION PHARMACEUTICALS, INC.,	:	
	:	
Defendant.	:	

RULING ON MOTION TO QUASH

Pending before the court is the plaintiff's Motion to Quash, doc. #21.

At oral argument, the defendant agreed to limit the Pfizer subpoena to the information sought by Requests #2 and 3. The motion to quash is therefore granted as to Request #1 of the Pfizer subpoena.

As to Request #2, in light of the affidavit the court reviewed at oral argument, the court finds that the request is relevant to a possible after-acquired evidence defense, and the motion to quash is denied as to this request.

As to Request #3, the defendant has made no showing that this request is anything more than a fishing expedition. See Chamberlain v. Farmington Savings Bank, No. 3:06CV01437 (CFD), 2007 WL 2786421 (D. Conn. Sept. 25, 2007) ("[T]he after-acquired evidence defense cannot be used to pursue discovery in the absence of some basis for believing that after-acquired evidence of wrong-doing will be revealed") (internal citations omitted). The motion to quash is therefore granted as to Request #3.

For all the foregoing reasons, the plaintiff's Motion to

Quash (doc. #21) is granted as to Requests #1 and #3 and denied as to Request #2.

SO ORDERED at Hartford, Connecticut this 26th day of May, 2009.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge